

part. The petition must be in English and submitted in five (5) legible copies to the Administrator, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, and received not later than thirty (30) days after publication of the rule in the FEDERAL REGISTER. Petitions filed after that time will be considered as petitions filed under §389.31. The petition must contain a brief statement of the complaint and an explanation as to why compliance with the rule is not practicable, is unreasonable, or is not in the public interest.

(b) If the petitioner requests the consideration of additional facts, he/she must state the reason they were not presented to the Administrator within the prescribed time.

(c) The Administrator does not consider repetitious petitions.

(d) Unless the Administrator otherwise provides, the filing of a petition under this section does not stay the effectiveness of the rule.

[35 FR 9209, June 12, 1970, as amended at 53 FR 2036, Jan. 26, 1988]

§ 389.37 Proceedings on petitions for reconsideration.

The Administrator may grant or deny, in whole or in part, any petition for reconsideration without further proceedings. In the event he/she determines to reconsider any rule, he/she may issue a final decision on reconsideration without further proceedings, or he/she may provide such opportunity to submit comment or information and data as he/she deems appropriate. Whenever the Administrator determines that a petition should be granted or denied, he/she prepares a notice of the grant or denial of a petition for reconsideration, for issuance to the petitioner, and issues it to the petitioner. The Administrator may consolidate petitions relating to the same rule.

[35 FR 9209, June 12, 1970, as amended at 53 FR 2036, Jan. 26, 1988]

PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL

Subpart A—General Applicability and Definitions

Sec.

- 390.1 Purpose.
- 390.3 General applicability.
- 390.5 Definitions.
- 390.7 Rules of construction.

Subpart B—General Requirements and Information

- 390.9 State and local laws, effect on.
- 390.11 Motor carrier to require observance of driver regulations.
- 390.13 Aiding or abetting violations.
- 390.15 Assistance in investigations and special studies.
- 390.16–390.17 [Reserved]
- 390.19 Additional equipment and accessories.
- 390.21 Marking of commercial motor vehicles.
- 390.23 Relief from regulations.
- 390.25 Extension of relief from regulations—emergencies.
- 390.27 Locations of regional offices of motor carriers.
- 390.29 [Reserved]
- 390.31 Copies of records or documents.
- 390.33 Commercial motor vehicles used for purposes other than defined.
- 390.35 Certificates, reports, and records: falsification, reproduction, or alteration.
- 390.37 Violation and penalty.

Subpart C—Intermodal Transportation

- 390.50 Applicability.
- 390.52 Definitions.
- 390.54 Notification and certification.
- 390.56 Duty of motor carrier.
- 390.58 Forwarding and retention of certification.
- 390.60 Coercion.

AUTHORITY: 49 U.S.C. 5901-5907, 31132, 31133, 31136, 31502, and 31504; and 49 CFR 1.48

EFFECTIVE DATE NOTE: At 59 FR 67554, Dec. 29, 1994, the authority citation for part 390 was revised, effective June 27, 1995. At 60 FR 26002, May 16, 1995, the effective date was extended to Sept. 27, 1995. At 60 FR 40761, Aug. 10, 1995, the effective date was further extended to Sept. 1, 1996. At 61 FR 42822, Aug. 19, 1996, the effective date was further extended to Jan. 2, 1997. For the convenience of